

COMMONWEALTH OF VIRGINIA  
STATE CORPORATION COMMISSION

AT RICHMOND, DECEMBER 3, 2019

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COMMONWEALTH OF VIRGINIA, *ex rel.*

STATE CORPORATION COMMISSION

CASE NO. PUR-2018-00107

*Ex Parte:* In the matter of revising  
the Commission's Regulations Governing  
Interconnection of Small Electrical Generators

ORDER FOR NOTICE AND COMMENT

On May 8, 2009, the State Corporation Commission ("Commission") adopted Regulations Governing Interconnection of Small Electrical Generators, 20 VAC 5-314-10 *et seq.* ("Interconnection Regulations"), in Case No. PUE-2008-00004.<sup>1</sup> The Commission initiated that rulemaking in accordance with § 56-578 C of the Code of Virginia ("Code") which provides, in part:

The Commission shall establish interconnection standards to ensure transmission and distribution safety and reliability, which standards shall not be inconsistent with nationally recognized standards acceptable to the Commission. In adopting standards pursuant to this subsection, the Commission shall seek to prevent barriers to new technology and shall not make compliance unduly burdensome and expensive.

At that time, the Commission noted that "all electric energy distributors have the obligation to connect any retail customer, including those using distributed generation, located within its service territory to the distributor's facilities used for delivery of retail electric energy, subject to [the Commission's] rules and regulations and approved tariff provisions relating to connection of

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<sup>1</sup> *Commonwealth of Virginia, ex rel. State Corporation Commission, Ex Parte: In the matter of establishing interconnection standards for distributed electric generation*, Case No. PUE-2008-00004, 2009 S.C.C. Ann. Rept. 287, Order Adopting Regulations (May 8, 2009).

service."<sup>2</sup> Given the passage of time since the Commission established the Interconnection Regulations, the Commission has concluded that it is appropriate to revisit the Interconnection Regulations and to make modifications, if necessary, due to changes in applicable laws, Federal Energy Regulatory Commission guidelines, and technological changes in the power industry.<sup>3</sup>

On September 5, 2018, the Commission entered an Order Initiating Rulemaking Proceeding to determine whether, and the extent to which, any of the Interconnection Regulations should be revised. In this regard, the Commission directed the Commission's Staff ("Staff") to solicit comments from, and to schedule a meeting or meetings (as necessary) with, entities and persons having an interest in the Commission's Interconnection Regulations and the interconnection of small electrical generators in the Commonwealth of Virginia, and to develop, with appropriate input from interested entities and persons, a proposal for any revisions, if necessary, to the current Interconnection Regulations.

On September 12, 2019, the Staff filed a report ("Staff Report") detailing the Staff's efforts in this undertaking. The Staff Report included proposed revisions to the current Interconnection Regulations.

NOW THE COMMISSION, upon consideration of the foregoing, is of the opinion and finds that the Staff's proposed revisions, as appended hereto ("Proposed Rules"), should be

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<sup>2</sup> *Commonwealth of Virginia, ex rel. State Corporation Commission, Ex Parte: In the matter of establishing interconnection standards for distributed electric generation*, Case No. PUE-2008-00004, 2008 S.C.C. Ann. Rept. 469, Order Establishing Proceeding (Feb. 26, 2008).

<sup>3</sup> In 2013, the Commission amended numerous rules and regulations, including the Interconnection Regulations, to: (1) recognize certain internal organizational changes; (2) correct outdated references to statutes in the Code, as well as remove obsolete rules and schedules that are no longer required; and (3) bring the regulations into compliance with the Virginia Register Form, Style and Procedures Manual issued by the Virginia Code Commission. *See Commonwealth of Virginia, ex rel., State Corporation Commission, Ex Parte: In the matter of amending regulations*, Case No. PUE-2013-00016, 2013 S.C.C. Ann. Rept. 367, Order Amending Regulations (June 18, 2013).

considered for adoption, and that interested persons should have an opportunity to comment on the Proposed Rules, to request a hearing thereon, or to suggest modifications or supplements to the Proposed Rules.<sup>4</sup> We further find that a copy of the Proposed Rules should be sent to the Registrar of Regulations for publication in the *Virginia Register of Regulations*.

Accordingly, IT IS ORDERED THAT:

(1) The Commission's Division of Information Resources shall forward a copy of this Order for Notice and Comment ("Order"), including a copy of the Proposed Rules, to the Registrar of Regulations for publication in the *Virginia Register of Regulations*.

(2) A copy of this Order and the Proposed Rules shall be available for public inspection in the Commission's Document Control Center located on the first floor of the Tyler Building, 1300 East Main Street, Richmond, Virginia 23219, between the hours of 8:15 a.m. and 5 p.m., Monday through Friday, excluding holidays. Interested persons also may download unofficial copies of the Order and the Proposed Rules from the Commission's website:

<http://www.scc.virginia.gov/case>. A copy of the Proposed Rules may be requested from Michael Cizenski, Division of Public Utility Regulation, State Corporation Commission, 1300 East Main Street, Richmond, Virginia 23219, and a copy can also be found at the Division of Public Utility Regulation's website: <http://scc.virginia.gov/pur/rulemak.aspx>.

(3) On or before February 21, 2020, any interested person or entity may comment on, propose modifications or supplements to, or request a hearing on the Proposed Rules by filing comments, proposals, or hearing requests with Joel H. Peck, Clerk, State Corporation Commission, c/o Document Control Center, P.O. Box 2118, Richmond, Virginia 23218-2118.

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<sup>4</sup> *De minimis* changes to the Proposed Rules that Staff attached to its Staff Report have been made to the version of the Proposed Rules appended hereto to comply with the *Virginia Register of Regulations' Form, Style and Procedure Manual*.

Any request for hearing shall state with specificity why the issues raised in the request for hearing cannot be adequately addressed in written comments. If a sufficient request for hearing is not received, the Commission may consider the matter and enter an order based upon the papers filed herein. Any interested person desiring to submit comments electronically may do so by following the instructions on the Commission's website: <http://www.scc.virginia.gov/case>. Compact disks or any other form of electronic storage medium may not be filed with such comments. All correspondence shall refer to Case No. PUR-2018-00107.

(4) All documents filed with the Office of the Clerk of the Commission in this docket may use both sides of the paper. In all other respects, all filings shall comply fully with the requirements of 5 VAC 5-20-150, *Copies and format*, of the Commission's Rules of Practice and Procedure, 5 VAC 5-20-10 *et seq.*

(5) On or before March 20, 2020, the Staff may file with the Clerk of the Commission a report on or a response to any comments, proposals, or requests for hearing submitted to the Commission on the Proposed Rules.

(6) This matter is continued.

AN ATTESTED COPY hereof, excluding the Proposed Rules, shall be sent by the Clerk of the Commission to: Interconnection customers and other interested persons as set forth in Appendix A; and C. Meade Browder, Jr., Senior Assistant Attorney General, Office of the Attorney General, Division of Consumer Counsel, 202 N. 9th Street, 8th Floor, Richmond, Virginia 23219-3424. A copy hereof also shall be provided to the Commission's Office of General Counsel and Division of Public Utility Regulation.

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